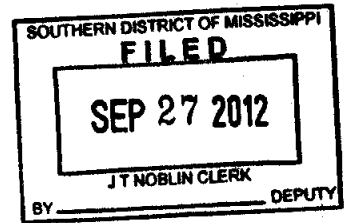


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION



DERRICK STEVERSON

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:12cv169-KS-MTP

FORREST COUNTY MISSISSIPPI;  
FORREST COUNTY SHERIFF'S DEPARTMENT;  
FORREST COUNTY SHERIFF BILLY MCGEE;  
MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY;  
COMMISSIONER ALBERT SANTA CRUZ;  
TROOPER JAMIE ATKINS AND TROOPER  
CLAY LOFTIN, Individually, and in their Professional  
Capacity as Officers of the Mississippi Highway Patrol;  
DEPUTY MATT FINDLEY, CAPTAIN GLEN MOORE,  
AND DEPUTY RANDALL SMITH, Individually and in  
their Professional Capacity as Officers of the Forrest County  
Sheriff's Department; JOHN AND/OR JANE DOES 1-10

DEFENDANTS

**NOTICE OF REMOVAL**

**TO: Peter H. Barrett and William C. Barrett, P. & W. Barrett Lawyers, PLLC,  
Jackson Office, 107 North State Street, Jackson Mississippi 39201; Gulfport Office 2202C  
25<sup>th</sup> Ave, C-3, Gulfport, Mississippi 39501 and Forrest County Circuit Clerk Lou Ann  
Adams:**

Please take notice that, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1447, Defendants Mississippi Department of Public Safety, Commissioner Albert Santa Cruz, Trooper Jamie Atkins and Trooper Clay Loftin, Individually and in their Professional Capacity as Officers of the Mississippi Highway Patrol (the "State Defendants"), hereby remove this action from the Circuit Court of Forrest County, Mississippi to the United States District Court for the Southern District

of Mississippi, Hattiesburg Division. The State Defendants, through undersigned counsel, would respectfully show unto the Court the following grounds for removal:

1. Plaintiff, Derrick Steverson ("Plaintiff") filed suit against the State Defendants, and others, in the Circuit Court of Forrest County, Mississippi on July 13, 2012. Process was served on the State Defendants on August 31, 2012. This Notice of Removal is therefore timely under 28 U.S.C. § 1446(b).

2. The proper venue for this action is the United States District Court for the Southern District of Mississippi, Hattiesburg Division. 28 U.S.C. § 1446(a).

3. The Complaint alleges that the State Defendants violated Plaintiff's constitutional rights pursuant to 42 U.S.C. § 1983. Plaintiff further alleges that the State Defendants violated his rights under the Fourth, Eighth and Fourteenth Amendment of the United States Constitution. *See* Exhibit "A", Compl. p. 9, ¶¶ 36-37.

4. This Court has subject matter jurisdiction over these claims arising under federal law pursuant to 28 U.S.C. § 1331. Furthermore, the Complaint alleges that the State Defendants committed assault and battery in violation of state law. This Court also has supplemental jurisdiction over those claims pursuant to 28 U.S.C. § 1367 as those claims are so related to the claims arising under federal law that they form part of the same case or controversy under Article III of the United States Constitution. Because this court has jurisdiction of the above-entitled action pursuant to 42 U.S.C. §§ 1331 and 1367, this action may be removed to this Court pursuant to 28 U.S.C. § 1441, including Section 1441(b).

5. In accordance with 28 U.S.C. § 1446(a), and the Local Rules for this Court, the State Defendants have attached as Exhibit "B" a certified copy of the entire state court record in

this matter, which includes all process and pleadings served on the State Defendants.

6. As required by 28 U.S.C. § 1441(d), a copy of this Notice of Removal has been served on all counsel of record and the Clerk of the Forrest County Circuit Court.

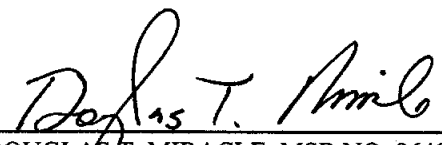
**WHEREFORE**, the State Defendants, without waiving any defenses it may have and specifically reserving the same, hereby remove this matter from the Circuit Court of Forrest County Mississippi, to the United State District Court for the Southern District of Mississippi, Hattiesburg Division. Further proceedings in the Circuit Court of Forrest County, Mississippi are hereby stayed.

THIS the 26<sup>th</sup> day of September, 2012.

Respectfully Submitted,

MISSISSIPPI DEPARTMENT OF PUBLIC  
SAFETY; COMMISSIONER ALBERT SANTA  
CRUZ; TROOPER JAMIE ATKINS AND  
TROOPER CLAY LOFTIN, Individually, and in  
their Professional Capacity as Officers of the  
Mississippi Highway Patrol

By: JIM HOOD, ATTORNEY GENERAL STATE OF  
MISSISSIPPI

By:   
DOUGLAS T. MIRACLE, MSB NO. 9648  
SPECIAL ASSISTANT ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
CIVIL LITIGATION DIVISION  
Post Office Box 220  
Jackson, Mississippi 39205-0220  
Telephone: (601) 359-5654  
Facsimile: (601) 359-2003  
[dmira@ago.state.ms.us](mailto:dmira@ago.state.ms.us)

**CERTIFICATE OF SERVICE**

This is to certify that I have this date caused to be delivered a true and correct copy of the above **Notice of Removal** via United States Mail, first class postage pre-paid, to the following:

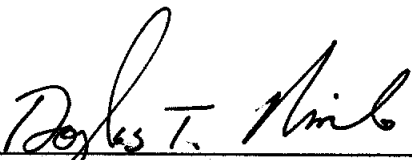
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James K. Dukes, Jr., Esq.  
Dukes, Dukes & Wood  
226 West Pine Street  
Hattiesburg, MS 39401

Lou Ellen Adams, Clerk  
Forrest County Circuit Court  
P. O. Box 992  
Hattiesburg, MS 39403

THIS, the 26<sup>th</sup> day of September, 2012.

By:

  
DOUGLAS T. MIRACLE, MSB NO. 9648  
SPECIAL ASSISTANT ATTORNEY GENERAL